

**Assembly Joint Resolution**

**No. 87**

**Introduced by Assembly Member Goldberg**

May 19, 2004

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Assembly Joint Resolution No. 87—Relative to the Employee Free Choice Act.

LEGISLATIVE COUNSEL'S DIGEST

AJR 87, as introduced, Goldberg. Employee Free Choice Act.

This measure would urge the Congress of the United States to pass the Employee Free Choice Act, S. 1925 and H.R. 3619.

Fiscal committee: no.

1 WHEREAS, Since 1935, workers have had the right under  
2 federal law to form unions, but federal laws have eroded over the  
3 years and are poorly enforced; and

4 WHEREAS, Each year, 20,000 American workers suffer loss of  
5 pay due to illegal retaliation against them for exercising their right  
6 to freedom of association, and thousands more American workers  
7 are illegally threatened, coerced and interrogated, spied on, and  
8 harassed because of their efforts to form a union; and

9 WHEREAS, 42 million workers in the United States say that  
10 they would join a union now if they had the opportunity; and

11 WHEREAS, In California only 17.5% of our workers are  
12 unionized; and

13 WHEREAS, Union membership provides workers better wages  
14 and benefits, and protection from discrimination and unsafe  
15 working places, while benefiting whole communities by

1 strengthening tax bases, promoting equal treatment, and  
2 enhancing civil participation; and

3 WHEREAS, Even though federal laws guarantee American  
4 workers the right to choose for themselves whether to form a  
5 union, employers across the nation routinely violate that right;  
6 workers are harassed, intimidated, coerced, and even fired, just for  
7 exercising, or attempting to exercise, this fundamental freedom;  
8 and

9 WHEREAS, The freedom to join a union is recognized as a  
10 fundamental human right; and

11 WHEREAS, When employers violate the right of workers to  
12 form a union, everyone suffers--wages fall, race and gender pay  
13 gaps widen, workplace discrimination increases, and job safety  
14 standards disappear; and

15 WHEREAS, Most employer violations occur behind closed  
16 doors and each year employers spend millions of dollars to defeat  
17 unionization; and

18 WHEREAS, A worker's fundamental right to choose a union is  
19 a public issue that requires public policy solutions, including  
20 legislative change; and

21 WHEREAS, S. 1925 and H.R. 3619 have been introduced this  
22 session in Congress, which introductions mark the first time in two  
23 decades that Congress is considering legislation that aims to  
24 restore the freedom of workers to join a union; and

25 WHEREAS, The Employee Free Choice Act (S. 1925 and H.R.  
26 3619) would, when a majority of employees in a unit appropriate  
27 for bargaining voluntarily sign authorizations (commonly known  
28 as "card check" recognition) designating an individual or labor  
29 organization as their bargaining representative, authorize the  
30 National Labor Relations Board to certify that individual or labor  
31 organization as the exclusive bargaining representative of those  
32 employees; and

33 WHEREAS, The Employee Free Choice Act would also  
34 provide for first contract mediation and arbitration, establish  
35 meaningful penalties to be imposed on employers that violate the  
36 right of workers to join a union, and include, for workers, the same  
37 process for immediate relief from illegal conduct that the law  
38 presently gives only to employers; now, therefore, be it

39 *Resolved by the Assembly and Senate of the State of California,*  
40 *jointly,* That the Legislature of the State of California hereby

1 supports and urges the Congress of the United States to pass the  
2 Employee Free Choice Act; and be it further  
3 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
4 of this resolution to the President and Vice President of the United  
5 States, to the Speaker of the House of Representatives, to the  
6 Majority Leader of the Senate, and to each Senator and  
7 Representative from California in the Congress of the United  
8 States.

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